

AMENDMENTS TO THE DRAWINGS

Replacement FIG. 3 attached at the end of this Response has a larger Figure number and no shading.

REMARKS

The Applicant has revised Fig. 3 to address the examiner's objections and claims 1, 3 and 7 have been amended and together with claims 2, 5 and 6 remain in the application. Claim 7 has been amended to address the examiner's Section 112 first paragraph rejection. The Applicant notes the examiner's rejection of Claims 1-3 and 5-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,624 ("Philippe") and respectfully requests reconsideration and withdrawal of said rejection in light of the following discussion.

The Applicant respectfully submits that Claims 1-3 and 5-7 are not unpatentable under 35 U.S.C. 103 (a) over the patent cited. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and *not* based on the Applicants' disclosure. MPEP § 2143. "In determining differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP § 2141.02 (emphasis in original) (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Norton Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)).

The Applicant respectfully submits that Philippe (US 6,643,624) teaches a method for effecting transactions with multiple vendors in which the system performs for the user the various different order processing requirements required for each vendor. However, it does not

teach or suggest the use of a true indirect/third party intermediary in place of the ultimate purchaser as the party with whom the vendors interact as an option to direct transactions between the ultimate purchaser and the vendors. A virtual checkout counter that processes all of the transactions between the purchaser directly and each of the vendors is not the same as a system that allows the purchaser to have all purchases made by another party in an indirect manner as with the present invention. In Philippe the purchaser does not have the ability to remain anonymous and to keep confidential the fact that the purchaser is making purchases from multiple vendors. There is no suggestion of this capability in Philippe and there is no feature enabling the user to either purchase directly in the purchaser's own name or alternately to have a third party purchase all of the goods and resell them to the purchaser, a true indirect transaction. For the same reasons, claims 1-3 and 5-7 are not unpatentable over the Dilger article in view of Philippe.


As such, the prior art references noted do not teach or suggest all of the Applicant's claim limitations, as amended, and *prima facie* obviousness is not established. The Applicant respectfully submits that its invention as claimed is not obvious in view of the patents cited by the examiner. The Applicant therefore respectfully requests that examiner withdraw the rejections of the Applicant's claims.

The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

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Respectfully submitted,

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[REPLACEMENT SHEET]

Fig. 3

Part Search 1 of 1 Full Search

Search Results for: 72XWR1K [\[Refine\]](#) 7 line items found. [New Search](#) [Search Help](#)

Part #	Mfr	Description	Uploaded	Ctry	Qty	Distributor
72XWR1K	Beck		8/31/00	US	89	Onlinecomponents.com
72XWR1K	BI	72XWR1K	9/1/00	US	898	Quest Components
72XWR1K	BI		8/28/00	US	35	Reliance Merchandizing
72XWR1K	BI		8/28/00	US	41	Reliance Merchandizing
72XWR1K	Beck	NEW STOCK	8/28/00	US	412	The Harry Krantz Company
72XWR1K			7/25/00	US	7	ACP Components
72XWR1K			7/25/00	US	100	ACP Components

30

7 line items found.

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